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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,097	06/24/2004	James R. Giermanski	048619.274451	7653
826	7590	03/27/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LA, ANH V	
		ART UNIT		PAPER NUMBER
		2612		

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/500,097	GIERMANSKI ET AL.
	Examiner Anh V. La	Art Unit 2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/24/04, 12/17/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

### DETAILED ACTION

1. The drawings are objected to because in figures 1-4, blank blocks should be labeled. For example, block 12 should be labeled as --sensor--.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-22, 26, 28-30, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Keillor (US 5,917,433).

Regarding claim 20, Keillor discloses a computer program product for monitoring access to a transport container comprising an executable portion for identifying an activation key (column 15, lines 60-67), the executable portion activating at least one sensor 22 to detect incidents of access to the container, the executable portion receiving data corresponding to the access incidents from the at least one sensor and communicating the data corresponding to the access incidents to an interface unit 50, 20.

Regarding claim 21, Keillor discloses the executable portion 36 storing the data corresponding to the access incidents in data repository.

Regarding claim 22, Keillor discloses an activation code and data corresponding to the contents of the container from the activation key (figure 2).

Regarding claim 26, Keillor discloses a computer program product for monitoring access to a transport container comprising an executable portion for communicating an activation code and data corresponding to the contents of the transport container to an activation key (column 15, lines 60-67), the executable portion communicating an activation signal to a monitoring unit 14 and wherein the executable portion receiving data corresponding to the access incidents from the monitoring unit 14 (figure 2).

Regarding claim 28, Keillor discloses a method for monitoring access to a transport container comprising identifying an activation key 55 (col. 15, lines 60-67), activating at least one sensor 22, receiving data corresponding to the access incidents from the at least one sensor, and communicating the data corresponding to the access incidents to an interface unit 50, 20.

Regarding claim 29, Keillor discloses a data repository 36, 58, 46.

Regarding claim 30, Keillor discloses an activation code and data corresponding to the contents of the container from the activation key (fig. 2).

Regarding claim 34, Keillor discloses a method for activating and deactivating a monitor unit 14 comprising communicating an activation code 55 (col. 15, lines 60-67) and data corresponding to the contents of a transport container to an activation key 55, communicating an activation signal to a monitoring unit 14, and receiving data corresponding to the access incidents from the monitoring unit (fig. 2).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19, 23-25, 27, 31-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keillor (US 5,917,433) in view of Marino (US 6,137,402).

Regarding claims 1, 14, 23, and 31, Keillor discloses a system for monitoring access to a transport container comprising a monitoring unit 14, at least one sensor 22 communicating data to the monitoring unit, an interface unit 20, 50, at least one data key 55 (column 15, lines 60-67), being an activation key and the monitoring unit being configured to communicate data corresponding to the access incidents to the interface unit. Keillor does not disclose the activation key activating the monitoring unit and a deactivation key deactivating the monitoring unit. Marino teaches the use of an activation key 20 activating a monitoring unit and a deactivation key 20 deactivating the monitoring unit (col. 2, lines 40-65). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the activation key activating the monitoring unit and a deactivation key deactivating the monitoring unit to the system of Keillor as taught by Marino for the purpose of activating the monitoring unit so that the monitoring unit begins to monitor access to the transport container or deactivating the monitoring unit.

Regarding claims 2 and 15, Keillor discloses a controller 28, a power supply 15, a data repository 36, a transmitter 30 and a receiver 30.

Regarding claims 3 and 16, Keillor discloses an activation code and data corresponding to the contents of the container and the activation key communicating the

activation code and data corresponding to the contents of the container to the monitoring unit (fig. 2).

Regarding claim 4, Keillor discloses data corresponding to the operator of the interface unit communicating with the activation key (fig. 2).

Regarding claims 5-9, 17-19, 24-25, 27, 32-33, and 35, Keillor as modified by Marino discloses all the claimed subject matter as set forth above in the rejection of claim 1, but still does not disclose a deactivation code and deactivation key data. Marino further discloses a deactivation code and deactivation key data 20 (col. 2, lines 40-65). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a deactivation code and deactivation key data to the system of Keillor as taught by Marino for the purpose of deactivating the monitoring unit.

Regarding claim 10, Keillor discloses wireless communication (fig. 1).

Regarding claim 11, Keillor discloses low-earth orbiting satellite communication (col. 1, lines 60-68).

Regarding claim 12, Keillor discloses a programming unit 12 and a second controller 42.

Regarding claim 13, Keillor discloses a temperature sensor (col. 3, lines 55-68).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gariepy, Goedde, Plude, and Kim teach container monitoring systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
March 16, 2006